

## REMARKS

Claims 1-8, 10-25, and 27-29 are currently pending in the present application. All of these claims have been rejected in the present Office Action. By this amendment previous claims 9, 26, and 30-31 are cancelled and claims 1, 8, 25, and 29 are amended. The Applicant respectfully traverses the rejections and requests reconsideration based on the following remarks.

Claims 8-13, 15-17, 19-22, and 25-31 were rejected under 35 U.S.C. §102(e) as anticipated by Schrader et al. (U.S. published application No. 2002/0166123). The Applicant traverses this rejection for the following reasons.

With respect to amended independent claim 8, which has incorporated elements from canceled claim 9, the Office Action asserts that Schrader discloses the claimed method elements. The Office Action also included the assertion in connection with previous claim 9 that Schrader discloses “receiving an index information request that is generated by a media capture device” on page 10 in paragraph 96. The Applicant disagrees with these assertions and submits all of the claimed elements of amended claim 8 are not taught or suggested by Schrader.

Specifically, Schrader is directed to a system providing enhanced TV services for digital video recording and playback that supplies Internet protocol and broadcast television programming. The Schrader system requires DVR specific content that includes event logs within programming being broadcast and continuously pushes this information with the broadcast content . Additionally, the system creates a number of indices by associating event logs with appropriate locations of recorded video on a storage medium . (See page 14, paragraph 0125). Such index files are created by associating event logs with the appropriate locations of recorded video on a storage medium. (See also page 14, paragraph 0125). The index files are then transmitted with the corresponding programming to a client system that associates the index file with a corresponding recording. Schrader, however, does not teach or suggest, among other

things, that the index information is transmitted after “receiving an index information request that is generated by a media capture device” as featured in claim 8. In particular, the section of Schrader cited in the Office Action merely teaches that the Sports Content Aggregator 402 receives various data to create and enhance a sports data stream that is transmitted to a broadcast server 114. Schrader does not, however, teach that the Aggregator 402 or any other device receives a request for index information nor receiving such a request from a media capture device. As mentioned previously, the system of Schrader continuously pushes index information with the broadcast content and does so without being requested. Thus, this section does not specifically teach or suggest the claimed elements of “receiving an index information request that is generated by a media capture device” or “transmitting the index information relating to the subject to the media capture device in response to receiving the index information request.”

The Applicant further notes that the disclosed media capture device of Schrader (i.e., DVR 530 as shown in Fig. 5) is not taught to generate an index information request. As mentioned above, the index information accompanying the broadcast content is pushed to the DVR. Thus, this device is designed solely to receive the media content and the indices broadcast, not request the index information. Thus, Schrader does not teach or suggest all of the elements of amended claim 8 and the rejection should be withdrawn, accordingly.

With respect to dependent claims 10–12, these claims are patentable on their merits and also for the reasons presented above with respect to claim 8.

Concerning independent claim 13, the Office Action asserts that Schrader discloses the claimed elements of this claim. The Applicant disagrees with this assertion for following reasons.

The Office Action asserts that Schrader teaches the claimed “capturing [of] a subject in a media file with a media capture device.” As discussed above, however, Schrader is directed to a system for digitally recording transmitted broadcast television programming. The disclosed digital video recording of broadcast programming in Schrader is not the same as the claimed “capturing [of] a subject in a media file with a media capture device.” The digital video recording in Schrader consists of storing media content already converted into electrical signal form (i.e., a process analogous to “capturing”). In contrast, the presently claimed “capturing [of] a subject” includes the creation of the media file, such as with a digital camera or a video recorder, or other suitable media capturing device configured to capture a subject. Thus, the Applicant submits that Schrader does not teach this element, nor is the reference concerned with the actual capturing of subjects to create media files.

With respect to dependent claims 15-17, which depend from claim 13, these claims are also allowable on their merits and also for the same reasons as claim 13.

With regard to independent claim 19, this claim features, among other things, “a media capture device that captures the subject in the media file and receives the beacon signal from the beacon and associates the index information with the media file.” As was argued above with respect to claim 13, Schrader does not teach or suggest this claimed feature, including “a media capture device that captures [a] subject in [a] media file.” Additionally, Schrader does not reasonably teach or suggest a media capture device receiving a beacon signal from a beacon.” An example of this beacon disclosed in the present application includes a wireless transmitter transmitting index information to media capture devices in proximity to the beacon. Schrader merely discloses transmitting broadcast television programming in conjunction with indices from the same source in a broadcast stream over a television network. This teaching is not the same as

transmitting a beacon signal with index information from a beacon. Thus, Schrader does not teach or suggest all of the elements of claim 19. Additionally, dependent claims 20–22, which depend from claim 19, are not anticipated for the same reasons as claim 19.

With respect to claims 25, and 27–29, these claims are also allowable for similar reasons to claim 19 including that Schrader does not teach or suggest capturing media files with a media capturing device or means.

Claims 1-7, 14, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schrader et. al. in view of Bellinger et. al. (U.S. Patent No. 6,023,705). The Applicant traverses this rejection based on the following reasons.

With respect to claim 1, the Office Action has asserted that Schrader teaches all of the claimed elements except for “automatically receiving index information from an external source related to the subject.” The Office Action then asserts that Bellinger teaches this missing element and that it would have been obvious to combine this element with the system of Schrader. The Applicant disagrees and submits that the cited references do not teach all of the elements of claim 1 and further, that even if one of ordinary skill in the art were somehow motivated to combine the teachings of Bellinger with Schrader in the manner asserted in the Office Action, such combination would not yield the invention as claimed.

Further, claim 1, as amended, features “capturing a subject in a media file with a media capture device.” As argued previously with respect to claims 13 and 19 above, Schrader does not teach or suggesting capturing a subject in a media file with a media capture device. Additionally, Bellinger, which is directed to a multiple CD index and loading system and method, does not disclose or suggest this feature. Accordingly, the cited references, either

combined or taken separately, do not teach or suggest all of the elements of claim 1 and do not engender a prima facie case of obviousness.

Additionally, the Applicant submits that there is simply no motivation in the cited prior art to combine the teachings of Schrader and Bellinger in the manner asserted. Moreover, even if such a combination were proper, it would not anticipate or render obvious all of the elements of claim 1. Bellinger, in particular, is directed to automatic detection and loading of a single CD volume index or cumulative CD volume indexes in a multiple CD index and loading system. Index information is pulled off of a plurality of CD's to create a cumulative volume table in a computer memory, which permits determining whether a given CD is a single CD or a CD from a multiple-CD set by comparing a second volume index on the CD with the cumulative volume table. Accordingly, because Bellinger teaches only pulling index information off of CDs to create a cumulative volume table on a computer memory, this teaching has no applicability to the system of Schrader, which is directed to a system for digitally recording transmitted broadcast television programming. As these teaching are in disparate art areas and applications, one of ordinary skill in the art would not be motivated to combine the teaching of Bellinger with Schrader, in the manner asserted in the Office Action.

Moreover, even if one skilled in the art were to add a feature of automatically generating a cumulative volume table of indexes derived from external storage devices (i.e., CD's) to Schrader, this addition would not add any benefit to the system of Schrader, as Schrader already discloses a methodology for creating indices with the Sport Content Aggregator 402 (See, e.g., para. 0125 on pg. 14). Moreover, incorporating the teachings of Bellinger would actually require adding extra, unnecessary steps to the system of Schrader, because an external source (i.e., CD's) for loading indexes of Bellinger would be needed. This change in principle of operation actually

leads one skilled in the art away from combining these references, thus negating motivation to combine. Accordingly, one of ordinary skill in the art would not be motivated to combine the referenced teachings of Bellinger with the system of Schrader to arrive at the features of claim 1.

The Applicant also notes that the stated motivation to combine in Office Action (i.e., “to enable the application enhanced by allowing automatic loading a single CD volume index or cumulative CD volume indexes spanning a multiple volume set, the application determine [sic] if an index being requested for loading is from a single volume”), is specious as it does not relate why the teachings of Bellinger would be beneficial to the system of Schrader. Instead, the stated motivation is simply a restatement of lines 58-65 of col. 32 in Bellinger, with no further reasoning of how this applies to Schrader. Accordingly, the Applicant submits that this motivation to combine is not sufficient to establish obviousness.

With respect to dependent claims 2–7, these claims are also allowable at least for the reasons presented above with respect to claim 1.

Concerning claims 14 and 18, which ultimately depend from independent claim 13, these claims are submitted to be allowable at least for the reasons presented above with respect to independent claim 13.

Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schrader et. al. in view of Jain et. al. (U.S. Patent No. 6,144,375.) The Applicant respectfully traverses and submits that these claims, which ultimately depend from independent claim 19, are allowable for the reasons presented above with respect to claim 19.

In light of the foregoing, the Applicant submits that the claims are in condition for allowance. The Examiner is invited to contact the attorney listed below if the Examiner believes that a telephone conference would advance the prosecution of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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